IN THE HIGH COURT OF JHARKHAND AT RANCHI
Misc Appeal No. M.A. 71 of 2002

Gandhi Mahto **....** Appellant

Versus

Prem Mahto and others ... Respondents

Coram : HON'BLE MR. JUSTICE D.N.UPADHYAY

For the petitioner/ appellant (s): Dr. M.K. Laik
For the opp. party/ respondents : xxx

IA No. 48 of 2010

20.02.2014 Petition under order 22, rule 4 read with Section 151 of the Code of Civil Procedure (IA No. 48 of 2010) has been filed praying for substitution of legal heirs of Bala Mahtowain (respondent no. 4).

From the service report, it transpired that Bala Mahtowain died and therefore notice was returned unserved.

It is indicated in the IA No. 48 of 2010 that Bala Mahtowain died leaving behind her son Prema Mahato and daughter Tejan Mahtain. It further transpires that notice issued to legal heirs and representatives of late Bala Mahatain was duly served on them, but they did not appear.

In the circumstances aforesaid, IA is allowed and legal heirs of late Bala Mahatain are directed to be substituted as respondents 4(A) Prema Mahto and 4(B) Tejan Mahtain.

Counsel for the appellant shall incorporate names of the substituted respondents vice deceased respondent no. 4 in the memo of appeal.

It is also pointed out that respondent no.10 has died in the month of April, 2010, but no petition for substitution of his legal heirs and representatives has yet been filed by the appellant.

Put up this case after two weeks, as prayed for on behalf of the appellant to enable him to file substitution petition.

Ambastha/- *(D.N.Upadhyay,J.)*